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Dated: 3/9/05

Signature:

*Valerie J. Sarosky*  
(Valerie J. Sarosky)

Docket No.: COTH-P04-507  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Lipovsek et al.

Application No.: 10/728078

Confirmation No.: 7953

Filed: December 3, 2003

Art Unit: 1654

For: PROTEIN SCAFFOLDS FOR ANTIBODY  
MIMICS AND OTHER BINDING PROTEINS

Examiner: Maury A. Audet

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed February 9, 2005, Applicants hereby provisionally elect Invention Group I of Set I: claims 1-25 and 32 for continued examination, with traverse.

Applicants also traverse the following statement in the Office Action:

In addition to electing [a] single group, Applicant is required to elect a peptide as drawn to any of the groups, to which the elected invention will be examined on the merits (i.e., SEQ ID NO: 34), because no meaningful search can be conducted without a [sic] undue burden, due to the myriad of peptides to which the inventions may be drawn.

It is the Applicants' position that a sequence search is inappropriate where the claims are not drawn to a particular sequence, such as the claims in the elected Invention Group I. Applicants suggest that a search be conducted as would be done for any other invention that is described by the words of the claims.

Nonetheless, if the Examiner wishes to conduct a sequence search, Applicants suggest the use of SEQ ID NO: 81, which corresponds to clone T10.06 described in the specification as filed. However, Applicants maintain that it would be grossly unfair to limit the scope of patentable subject matter to a single sequence that happens to meet the elements of the claims.

In response to the requirement that Applicants file an amended claim set, Applicants maintain that the elected Invention Group I does not contain dependencies to the non-elected groups, and therefore, an amended claim set is not necessary.

Applicants believe that no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. COTH-P04-507 from which the undersigned is authorized to draw.

Dated: March 9, 2005

Respectfully submitted,

By 

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